

BY EMAIL¹

The Honorable Maame Ewusi-Mensah Frimpong
United States District Judge
Central District California
350 West First Street,
Los Angeles, CA 90012
Courtroom 8B

Re: Clinton Brown v. Clark R. Taylor, AICP, The Los Angeles County Department of Regional Planning, 2:22-cv-09203-MEMF-KS, Rule 16 Order.

Hon. MEMF,

The Plaintiff respectfully submits this letter in anticipation of the Defendant's opposition to move this case forward, in any matter, except for, continuing to violate the Plaintiff's basic rights. Unfortunately, this live controversy has created an opportunity for person(s) to commit a criminal offense against the Plaintiff...one so serious, that it violates the basic rights of every person(s) in this controversy. Whoever it was, it's an outrage.

Police Report No. LHS2024004494²

On August 28, 2024, between approximately 2 P.M. -3 P.M., the victim affixed a black and white outdoor banner, measuring approximately 4 feet by 10 feet, to a chain-link fence on the victim's private property. The banner addressed the victim's grievance with the County Government for the denial of a housing permit. The victim last observed the property on August 30, 2024, between approximately 3 P.M. -4 P.M. Upon returning to the property on September 19, 2024, between approximately 1 P.M. to 2 P.M., the victim discovered that the banner had been vandalized and stolen. This act constitutes violations of several California Penal Codes, including: Petty Theft: CPC § 488, Vandalism: CPC § 594(a) and Trespass: CPC § 602, and quite possibly a Federal statute. See 18 U.S.C. § 1962(d). In anticipation of a thorough investigation, the victim respectfully requests access to any and all police records related to this location, including but not limited to: Incident reports related to the location of the property (intersection of Liberty Canyon & Agoura Road); Video surveillance footage from traffic or security cameras at or near the intersection of Liberty Canyon & Agoura Road, covering the period from August 28, 2024, through September 19, 2024. This request is made under the California Public Records Act (CPRA), codified in Cal. Gov't Code § 7920.000 et seq. Statement of Intent: This report is submitted with the full intention of prosecuting those responsible to the fullest extent of the law. The victim is committed to ensuring that all evidence relevant to this crime is gathered and examined thoroughly, and will pursue justice no matter the time or effort required. The victim also asserts the right to restitution under Marsy's Law. I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Thank you.

Background

“The record now reflects that Brown's position is that Defendant has refused to meet and confer. To the extent that Taylor's employment status affects this litigation, or to the extent that

¹ See *United States v. Combs*, No. 24 Cr. 542-ALC, ECF No. 5 at 1 (S.D.N.Y. Sept. 17, 2024).

² See ECF No. 178 at 4-5 & CPC § 488 (Petty Theft), CPC § 594(a) (Vandalism), and CPC § 602 (Trespass).

Defendant's purported failure to meet and confer³ affects Brown's ability to litigate this action, these issues may be address [sic] after the Motion for Summary Judgment is decided. In sum, the Court declines to hold a status conference as Brown requests while the Motion for Summary Judgment is pending." See ECF No. 162 at 2.⁴ "The Judge must not compel agreement by arbitrary use of h[er] power and the attorney must not meekly submit to a Judge's suggestion, though it be strongly urged." See *Brooks v. Great Atlantic Pacific Tea Co.*, 92 F.2d 794, 796 (9th Cir. 1937). See also, *Kothe v. Smith*, 771 F.2d 667, 669 (2d Cir. 1985).

Argument

"Local rules govern local practice, but a violation of local rules cannot divest th[e] Court of the jurisdiction afforded to it by Congress." (citation omitted). See *Demaree v. Pederson*, 887 F.3d 870, 877 (9th Cir. 2018). In other words, "elevat[ing] a local rule...to the status of a jurisdictional requirement would conflict with the mandate of Federal Rule of Civil Procedure 1 to provide a just and speedy determination of every action." *Id.* Thus, it is evident that a Rule 16 Order, is not only necessary, but *mandated* under Federal Rules.

Discussion

a. Possible Federal Crime(s)

18 U.S.C. § 1962(d) states, "It shall be unlawful for any person⁵ to *conspire*⁶ to violate any of the provisions of subsection (a), (b), or (c) of this section." The Government has already threatened the Plaintiff with severe fines (up to \$180,000) and jail time (up to six months) for placing a different sign on his private property. See ECF Nos. 89 at 6 & 114 at 3-4. Though, the Government has not enforced its "Final Zoning Enforcement Order" issued on December 14, 2023, the Government reserves the right to do so.

Continued noncompliance may also cause this matter to be referred to the District Attorney at any time with the request that a criminal complaint be filed if compliance is not achieved. Conviction can result in a penalty of up to six months in jail and/or a \$1,000.00 fine, each day in violation constituting a separate offense.

³ See ECF No. 176 at 2. It is noted that Defense Counsel Jonathan Fang is no longer employed at Hurrell Cantrall, LLP but has not followed the necessary procedures for withdrawal. "Note: if you are removing yourself from the docket of this case as a result of separating from a firm or agency, you should consult Local Rules 5-4.8.1 and 83-2.4 and Form G-06 ('Notice of Change of Attorney Business or Contact Information'), concerning your obligations to notify the Clerk and parties of changes in your business or contact information." The Plaintiff still has unfinished business with Jonathan Fang for failing to meet and confer as required by L.R.'s, in addition to, every attorney of record who failed to meet and confer as required by L.R.'s, in this case. See Background.

⁴ The MSJ was decided on May 15, 2024. See ECF Nos. 164 & 165.

⁵ 18 U.S.C. § 1961(3) definition of "person" includes any individual *or* entity capable of holding a legal or beneficial interest in property.

⁶ To engage in a conspiracy; to join in a conspiracy. See *Black's Law Dictionary* 352 (9th ed. 2009).

Conclusion

Put differently, if the investigation leads to evidence that the Government perpetrated [a] predicate crime(s) against the Plaintiff then the Plaintiff will seek to amend the Complaint to include RICO violations, among other things, against the Government in this *live controversy*. Therefore, a Rule 16 Order is warranted and should be **ORDERED** by this Court immediately.

Respectfully submitted,

/s/Clinton Brown, Self-Represented

27250 Agoura Rd.,
Calabasas, CA 91301
clinton@atlasinc.solar
310-775-7990

CC: All Counsel of Record (VIA ECF & EMAIL) on September 20, 2024



This incident has been reported to the
Los Angeles County Sheriff's Department
and is pending approval

General Information

Incident Type	Theft
Tracking Number	LHS2024004494
Report Date	09/20/2024 04:48 PM

Reporting Person Information

Name	Brown, Clinton
Home Address	27250 Agoura Road, Calabasas, CA 91301, US
Primary Phone Number	310-775-7990
Email	clinton@atlasinc.solar
Employer Name	Atlas, Inc.
Work Phone	X
Race	WHITE
Sex	Male
DOB	08/30/1986
Do You Speak English?	YES

Incident Information

Incident Location	27250 Agoura Road, UNINCORPORATED, CA 91301
Incident Time (start)	08/30/2024 03:35 PM
Incident Time (end)	09/19/2024 03:35 PM
Location Type	RESIDENTIAL
Theft Type	Other
Method of Entry	CUT

Property Information**No 1**

Type	MISC
Subtype	OTHER
Color	Black and White
How Many	1
Market Value for Each Item (\$)	300
Property Description	A 4 foot by 10 foot, black and white Outdoor Banner redressing the gov't.

Narrative**Incident Description**

On August 28, 2024, between approximately 2 P.M. -3 P.M., the victim affixed a black and white outdoor banner, measuring approximately 4 feet by 10 feet, to a chain-link fence on the victim's private property. The banner addressed the victim's grievance with the County Government for the denial of a housing permit. The victim last observed the property on August 30, 2024, between approximately 3 P.M. -4 P.M. Upon returning to the property on September 19, 2024, between approximately 1 P.M. to 2 P.M., the victim discovered that the banner had been vandalized and stolen. This act constitutes violations of several California Penal Codes, including: Petty Theft: CPC § 488, Vandalism: CPC § 594(a) and Trespass: CPC § 602, and quite possibly a Federal statute. See 18 U.S.C. § 1962(d). In anticipation of a thorough investigation, the victim respectfully requests access to any and all police records related to this location, including but not limited to: Incident reports related to the location of the property (intersection of Liberty Canyon & Agoura Road); Video surveillance footage from traffic or security cameras at or near the intersection of Liberty Canyon & Agoura Road, covering the period from August 28, 2024, through September 19, 2024. This request is made under the California Public Records Act (CPRA), codified in Cal. Gov't Code § 7920.000 et seq. Statement of Intent: This report is submitted with the full intention of prosecuting those responsible to the fullest extent of the law. The victim is committed to ensuring that all evidence relevant to this crime is gathered and examined thoroughly, and will pursue justice no matter the time or effort required. The victim also asserts the right to restitution under Marsy's Law. I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct. Thank you.

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Clinton Brown <clinton@atlasinc.solar>

Your Online Police Report LHS2024004494 Has Been Submitted

1 message

sortsonlinereports@lasd.org <sortsonlinereports@lasd.org>

Fri, Sep 20, 2024 at 4:48 PM

Reply-To: sortsonlinereports@lasd.org

To: clinton@atlasinc.solar

Your online report has been successfully received and the temporary report number is LHS2024004494. You will be notified via email of any problems with your report. Once your report is approved, it will be issued a case number and you will receive a PDF copy as an attachment in your email within approximately five business days.

Thank you for using our online reporting system and please contact us with any suggestions you have for improving our system.

Online Deputy
Los Angeles County Sheriff's Department